

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF MISSISSIPPI**

**IN RE: EURNELL HOYLE**

**CHAPTER 13**

**DEBTOR**

**CASE NO. 18-10097-JDW**

**MOTION TO MODIFY CHAPTER 13 PLAN AFTER CONFIRMATION**

COMES NOW, Eurnell Hoyle, Debtor, pursuant to 11 U.S.C. § 1329, and by and through his attorney of record, and states as follows:

1. Debtor's Chapter 13 Plan was confirmed on July 17, 2018 [Dkt. # 61], and provided for a plan period of 60 months with a 100% distribution being paid to unsecured creditors with timely filed claims.
2. Debtor's plan was modified on June 2, 2020 [Dkt. #97]. This modification extended the plan term to eighty-four (84) months, and the distribution to general unsecured creditors with timely filed claims remained at 100%.
3. Since the orders confirming and modifying Debtor's plan were entered, Debtor's income has significantly decreased, as shown in Amended Schedule I [Dkt. 100] on file with the Court. The decrease in income is a direct result of the COVID-19 pandemic. The Debtor cares for elderly patients, several of which have refused care due to concerns with the pandemic.
4. The Debtor requests his plan be modified to cease further distribution to general unsecured creditors due to the reduction in income.
5. All creditors listed on the mailing matrix shall have a minimum of 30 days from the date of filing of the motion to file a response or objection with the Court.

WHEREFORE, PREMISES CONSIDERED, Debtors move this Honorable Court to enter an order directing the modification of Chapter 13 plan after confirmation to cease future payments to general unsecured creditors.

RESPECTFULLY SUBMITTED, this the 20<sup>th</sup> day of July, 2020.

RESPECTFULLY SUBMITTED,  
/s/Robert H. Lomenick  
KAREN B. SCHNELLER, MSB#6558  
ROBERT H. LOMENICK, MSB #104186  
SCHNELLER & LOMENICK, P.A.  
126 North Spring Street  
Post Office Box 417  
Holly Springs, MS 38635  
(662) [252-3224/karen.schneller@gmail.com](mailto:252-3224/karen.schneller@gmail.com)  
[rlomenck@gmail.com](mailto:rlomenck@gmail.com)

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**NOTICE OF MOTION**

PLEASE TAKE NOTICE that all responses are due on or before thirty (30) days from the date of this notice, to consider and act upon the Motion for Modification of Chapter 13 Plan After Confirmation.

Should any party receiving this notice respond or object to said motion such response or objection is required to be filed with the Clerk of this Court, U.S. Bankruptcy Court, Northern District of Mississippi, 703 Highway 145 North, Aberdeen, Mississippi 39730, and served on the Attorney for the Movant on or before said objection due date. If any objection or response is filed, the Court will notify the parties of a date, time and place for the hearing thereon, otherwise, the Court may consider said motion immediately after the objection or response due date.

RESPECTFULLY SUBMITTED, this the 20<sup>th</sup> day of July, 2020

/s/Robert H. Lomenick

KAREN B. SCHNELLER, MSB#6558

ROBERT H. LOMENICK, MSB #104186

SCHNELLER & LOMENICK, P.A.

126 North Spring Street

Post Office Box 417

Holly Springs, MS 38635

(662) [252-3224/karen.schneller@gmail.com](mailto:karen.schneller@gmail.com)

[rlomenck@gmail.com](mailto:rlomenck@gmail.com)

**CERTIFICATE OF SERVICE**

I, Robert H. Lomenick, Attorney for Debtor, do hereby certify that I have this day mailed postage prepaid and/or via electronic delivery, a true and correct copy of the above and foregoing Motion To Modify Chapter 13 Plan After Confirmation and Notice of Motion to:

Locke D. Barkley  
Chapter 13 Trustee, via ECF

Office of the U. S. Trustee, via ECF

all creditors on the attached matrix

This the 20<sup>th</sup> day of July, 2020

/s/Robert H. Lomenick

KAREN B. SCHNELLER  
ROBERT H. LOMENICK